IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20786 of 2004

Between:

Nirmala Despande, W/o.Sripad Despande,
R/o.Flat No.202, Plot No.38, Pleasant Park, Shantinagar Colony, Masabtank,

Hyderabad.

..... PETITIONER

AND

1 Joint Registrar of Cooperative societies, OSD/Charminar Cooperative Urban

Bank Ltd., Premises at 11-3-161, 3rd floor, Namaplly Branch, Beside Badi

Masjid, New Mallepally, Hyderabad.
2 The Charminar Cooperative Bank Ltd., rep.by its Managing Director, at

11-3-161, 3rd floor, Nampally Branch, Beside Badi Masjid, New Mallepally,

Hyderabad.
3 Mr.Sripad Despande, S/o.Late Manki Rao Deshpande,
R/o.Flat No. 202, plot No.38, Pleasant Park, Shantinagar, Hyderabad.
4 M/s. Peasant Engineers, rep.by its Managing Director, Flat No.202, Plot

No.38, Pleasant Park, Shantinagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari or any other appropriate writ order or direction calling for the records relating to I.A.No.901 of 2004 in C.T.A.No.149 of 2004 dt. 27-8-2004 on the file of the A.P. Cooperative societies Tribunal, Chandravihar at Hyderabad and quash the same and consequences thereof to enlarge the time to comply with the first condition of the order of I.A.No.901 of 2004 dt.26-7-2004.

Counsel for the Petitioner: Mr. K.V. Satyanarayana

Counsel for Respondent No.1: G.P. for Cooperation.

Counsel for Respondent No. 2: Mr. Nuty Ram Mohan Rao.

Counsel for Respondents 3 and 4: None appeared.

This Court at the stage of admission made the following:

O R D E R:

This writ petition is filed questioning the order, dated 27-08-2004, passed by the Andhra Pradesh Cooperative Tribunal, Chandravihar, Hyderabad, in I.A.No.901 of 2004 in C.T.A.No.149 of 2004.

At the instance of the 2nd respondent Bank, an Award was passed against the petitioner herein for recovery of a sum of Rs.3,75,26,618/- in A.R.C.No.36/2003 dated 30-06-2003. Against the said Award, the petitioner filed C.T.A.No.149/2004. She also filed I.A.No.901 of 2004 seeking stay of all further proceedings in pursuance of the impugned Award including the proceedings in E.P.No.100/2004 till the disposal of the Appeal. Having considered the facts and circumstances, the Tribunal by order dated 26-07-2004 granted interim stay as sought for subject to payment of 25% of the awarded amount within 15 days.

It is to be noted that in the said order itself, it was made clear that failure to pay the said amount would result in vacation of stay and that the execution proceedings would continue. However, the petitioner subsequently filed I.A.No.996 of 2004 seeking extension of

time and by order dated 12-08-2004 the time was extended by 15 days. In spite of the same, the petitioner could not comply with the said order and once again requested for further extension of time. The said request was rejected by order dated 27-08-2004 and I.A.No.901 of 2004 was closed. Challenging the said order, this writ petition has been filed on 8-11-2004.

As can be seen from the material on record, the Tribunal below has already granted a reasonable time for compliance with the condition imposed in the original order dated 26-07-2004. However, the petitioner failed to remit the amounts. In the circumstances, the tribunal below has rightly refused to grant further enlargement. The said order cannot be said to be either arbitrary or illegal and therefore the interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India is not warranted.

Accordingly, the Writ Petition is dismissed. No costs.

(**G.ROHINI, J**)

Date:11-11-2004

Note:

Office to CC by 16-11-2004

B/o

ghn

To

1 The Joint Registrar of Cooperative societies, OSD/Charminar Cooperative Urban Bank Ltd., Premises at 11-3-161, 3rd floor, Namaplly Branch, Beside Badi Masjid, New Mallepally, Hyderabad.

2 The Managing Director, Charminar Cooperative Bank Ltd., at

11-3-161, 3rd floor, Nampally Branch, Beside Badi Masjid, New Mallepally,

Hyderabad.

3 Two CCs to the Government Pleader for Cooperation, High Court

Buildings, A.P., Hyderabad (OUT)

4 Two C.D copies